

DERRICK McKINZIE,)
)
 Plaintiff,)
)
 v.) No. 4:09CV627 FRB
)
 GEORGE BROWN,)
)
 Defendant.)

This matter is before the Court on both plaintiff and defendant's motions to permit the out-of-time deposition of plaintiff. Currently, the discovery deadline in this action is January 15, 2010. However, plaintiff is unable to timely travel to the St. Louis area for his deposition due to financial hardship. Both parties request that the time for conducting plaintiff's deposition be delayed until February 2010. The Court will grant the motions.

Additionally, plaintiff has filed two other discovery motions: a motion for extension of time to produce documents and a motion to compel discovery. Under these circumstances, the Court has determined that the best course of action is to move the discovery deadline to February 26, 2010. This will allow the parties a full opportunity to resolve all discovery matters between themselves. And the Court will extend the dispositive motion schedule to accommodate the new discovery deadline.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for extension of time to attend a deposition [#30] is **GRANTED**.

IT IS FURTHER ORDERED that defendant's motion for extension of time to conduct deposition of plaintiff [#31] is **GRANTED**.

IT IS FURTHER ORDERED that all discovery in this case must be completed by **February 26, 2010**.

IT IS FURTHER ORDERED that any motion for summary judgment must be filed no later than **March 26, 2010**. Opposition briefs shall be filed no later than **April 26, 2010**, and any reply brief must be filed no later than **May 6, 2010**. Failure to timely file a motion for summary judgment will waive a party's right to do so before trial.

IT IS FURTHER ORDERED that this order specifically preempts any provision of local rule to the contrary. It is anticipated that if a summary judgment motion is filed, the case will not be set for trial until after the motion has been ruled upon. If no motion for summary judgment is filed by the date set above, the case will be set for trial forthwith.

Dated this 14th day of January, 2010.



FREDERICK R. BUCKLES
UNITED STATES MAGISTRATE JUDGE